IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.2592 OF 1984

Jayantilal C. Jani & Anr. ...Plaintiffs

Versus

Mahendra Pulp & Paper Mills P. Ltd. ...Defendants

Mr. P.V. Palan, Advocate, for Plaintiffs.

None for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 24TH AUGUST, 2006

P.C.

. The suit is filed to recover a sum of Rs.80,891.84 together with interest on Rs.52,527.17 @ 18% p.a.

2. The suit is filed for recovery of the price of the goods sold and delivered by the Plaintiffs to the Defendants.

3. The Plaintiffs has led the evidence of his son Upendra Jayantilal Jani, who even earlier had been inducted into the business and was looking after the father’s business. He is, therefore, aware of the facts of the case. From the documents on record, it

is clear that there is no dispute regarding the agreement for sale of goods. Nor is there any dispute regarding the fact that the goods were sold and delivered by the Plaintiffs to the Defendants.

4. The Plaintiffs forwarded the 'Defendants Account' in their Books of Accounts. An amount of Rs.18,000/- only was admitted by the Defendants. The Defendants however deducted an amount of Rs.28,000/- towards transport charges. The witness has deposed that the goods were to be delivered ex-Bombay. There is no cross-examination.

5. The Defendants have remained absent. The Plaintiffs evidence has gone unchallenged.

6. There is nothing on record that militates against the Plaintiffs' claim.

7. In the circumstances, the suit is decreed in terms of prayers (a) and (b).

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DATED : 24TH AUGUST, 2006

Name : Upendra Jayantilal Jani
(Son of Plaintiff No.1)
Age : 48 years
Occupation :
Address : I-2/204, Vishal Apartment,
Andheri (E), M.V. Road,
Mumbai - 400 069.

EXAMINATION-IN-CHIEF OF THE PLAINTIFF MR. UPENDRA JAYANTILAL JANI BY MR. P.V. PALAN, THE LEARNED COUNSEL FOR THE PLAINTIFF :

. An affidavit in lieu of oral evidence of the witness has been tendered and taken on record. The witness has confirmed as correct the contents thereof.

2. A compilation of documents is tendered. The same are taken on record and marked "Exhibit-A" collectively.

3. No cross examination.

4. The Plaintiff choses his case.